

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARK MCKINLEY,

Plaintiff,

v.

NICOLE ELEFONTE, et al.,

Defendants.

**STIPULATION OF VOLUNTARY
PARTIAL DISMISSAL PURSUANT
TO FED. R. CIV. P. 41**

21-CV-0678 (TJM/CFH)

WHEREAS, on or about August 5, 2021, Plaintiff filed the First Amended Complaint (“FAC”), *see* dkt. 10; and

WHEREAS, the FAC brought claims under the First, Eighth, and Fourteenth Amendments to the Constitution pursuant to 42 U.S.C. §1983 against Defendant Nicole Elefante and others; and

WHEREAS, on or about September 2, 2021, pursuant to a stipulation between the parties, the Court dismissed the Fourteenth Amendment cause of action, *see* dkt. 16; and

WHEREAS, the parties agree that the action should not proceed as to Defendant Elefante,

NOW, THEREFORE, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the parties to this action stipulate to the dismissal with prejudice of the complaint against Defendant Elefante, without costs or fees to any party. The remaining Defendants are not affected by this stipulation.

Dated: August 3, 2022

Sivin, Miller, & Roche, LLP

/s/Edward Sivin
Edward Sivin, Esq.

Dated: August 3, 2022

Letitia James
Attorney General of the State of
New York

/s/ Jonathan S. Reiner
Jonathan S. Reiner, of counsel

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Assistant Attorney General, of counsel
Attorney for the Defendants
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Albany, New York 12224

IT IS SO ORDERED:

Thomas J. McAvoy
Senior U.S. District Judge

Dated: _____